



30 MAY 2007

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WELLS ST. JOHN P.S.
601 W. FIRST AVENUE, SUITE 1300
SPOKANE WA 99201

In re Application of LEE et al.
Application No.: 10/565,313
PCT No.: PCT/SG04/00215
Int. Filing: 16 July 2004
Priority Date: 18 July 2003
Attorney Docket No.: DR10/012
For: MESSAGE SYSTEM

:
: DECISION ON
:
: RENEWED PETITION
:
: UNDER 37 CFR 1.47(a)
:

This is a decision on applicant's renewed petition under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 25 May 2007, to accept the application without the signatures of joint inventors, KING HOE GOH and FRANCIS YEW HONG LEE.

BACKGROUND

On 18 January 2006, applicant filed a transmittal letter (PTO-1390) requesting entry into the national stage in the United States of America under 35 U.S.C. § 371. Filed with the Transmittal Letter was, *inter alia*, the requisite basic national fee.

On 09 June 2006, a Notification of Missing Requirements (FORM PCT/DO/EO/905) was mailed to applicant indicating *inter alia*, that an oath or declaration in accordance with 37 CFR 1.497(a) and (b) was required.

On 08 December 2006, applicant filed the instant petition along with a declaration, executed by the joint inventors on behalf of the nonsigning inventor. The petition under 37 CFR 1.47(a) in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4) requested the acceptance of the application without the signatures of inventors alleging that Mr Goh and Mr. Lee are unavailable to sign the application.

On 27 March 2007, a decision was mailed to applicant dismissing the petition indicating that applicant had not demonstrated that a *bona fide* attempt was made to present a copy of the application papers for U.S. application 10/565,313 (specification, including claims, drawings, and declaration) to the nonsigning inventors for their signature and their refusal to sign these documents.

On 25 May 2007, applicant filed a renewed petition along with declarations executed by the previously non-signing inventors.

DISCUSSION

A review of the declarations reveals that the declarations identify and are executed by each of the previously nonsigning inventors, and state the residency, citizenship and mailing address of each inventor. Thus, the declarations are acceptable and the requirements of 37 CFR 1.497(a) and (b).

The renewed petition under 37 CFR 1.47(a) is considered moot as a declarations executed by the previously unavailable inventors has now been submitted and are acceptable under 37 CFR 1.497(a) and (b).

CONCLUSION

For the above reasons, the renewed petition under 37 CFR 1.47(a) is considered **MOOT**. The declarations executed by the joint inventors and submitted on 02 November 2006 is in compliance with 37 CFR 1.497(a) and (b) and are acceptable.

This application is being forwarded to United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 25 May 2007.



Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Telephone: (571) 272-3286
Facsimile (571) 272-0459